

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

RANDY A. WEAVER & ALL INMATES  
CURRENTLY HOUSED IN FREDERICK  
COUNTY DETENTION CENTER

Plaintiff(s),

v.

STATE OF MARYLAND, et al.  
Defendants.

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CIVIL ACTION NO. RDB-08-1433

**MEMORANDUM OPINION**

Randy A. Weaver (“Weaver”) is confined at the Frederick County Detention Center (“FCDC”) in Frederick, Maryland. His document, dated May 30, 2008, was received in this Court on June 3, 2008, and has been construed as a 42 U.S.C. § 1983 Complaint for injunctive relief. Weaver, filing on behalf of himself and all other FCDC prisoners, seeks certification to proceed as a “protected group” to claim alleged Fifth and Sixth Amendment violations regarding the continual postponements of preliminary hearings, presumably in criminal cases. (Paper No. 1). Weaver cites to a defendant’s right to: speedy trial, notice of the nature and cause of the accusations against him, confrontation of witnesses, and a preliminary hearing. (*Id.*). He seeks injunctive relief to compel the state courts to provide a preliminary hearing and to produce evidence of same. (*Id.*).

The court has screened the matter and shall dismiss same without prejudice. Among the requirements which litigants must meet in order to maintain an action as a class action is that the “representative parties will fairly and adequately protect the interests of the class.” *See* Fed. R. Civ. P. 23(a)(4). The court concludes that Weaver, as a *pro se* litigant, cannot represent others in a class action. *See Oxendine v. Williams*, 509 F.2d 1405, 1407 (4<sup>th</sup> Cir. 1975). Class action certification shall not be granted in this case. Weaver is of course free to re-file a cause of action seeking to raise personal and particularized constitutional claims. A separate Order follows.

Date: June 17, 2008

/s/

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RICHARD D. BENNETT  
UNITED STATES DISTRICT JUDGE